

**JOINT DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention ESM-1 GENE DIFFERENTIALLY EXPRESSED IN ANGIOGENESIS, ANTAGONISTS THEREOF, AND METHODS OF USING THE SAME

( ) is attached hereto.

(X) was filed on July 1, 2003 as Application Serial No. 10/611,527 and was amended on (if applicable).

( ) as filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and amended on \_\_\_\_\_(if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**Prior Foreign Application(s)**

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application No. | Date of Filing<br>(day month year) | Date of Issue<br>(day month year) | Priority Claimed<br>Under 35 U.S.C.<br>§119 |
|---------|-----------------|------------------------------------|-----------------------------------|---|
|         |                 |                                    |                                   |   |

**Prior United States Provisional Application(s)**

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

| U.S. Provisional Application No. | Date of Filing<br>(day month year) | Priority Claimed<br>Under 35 U.S.C. §119(e)(1) |
|----------------------------------|------------------------------------|--|
| 60/392,784                       | 7/1/02                             |  |
|                                  |                                    |  |



### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Date of Filing<br>(Day, Month, Year) | Status — Patented,<br>Pending, Abandoned |
|------------------------|--------------------------------------|--|
| TBA                    | TBA                                  |  |
|                        |                                      |  |

### Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys and agents, their registration numbers being listed after their names:

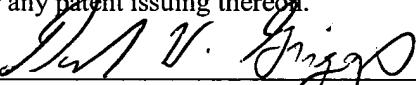
|                       |        |                        |        |                        |        |
|-----------------------|--------|------------------------|--------|------------------------|--------|
| BAUER, S. Christopher | 42,307 | LUMB, Trevor J.        | 28,567 | SLAVINSKY, Christopher | 54,456 |
| CHAPPELL, Julie       | 46,612 | MEYER, Scott           | 25,275 | WARNER, James M.       | 45,199 |
| FEDDE, Kenton         | 54,701 | POLSTER, Philip B., II | 43,864 | WILLIAMS, Scott A.     | 39,876 |
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature 

Date 11-6-2003

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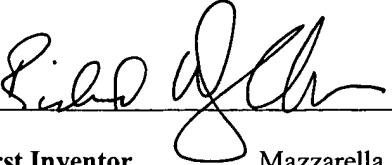
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CPN CPN